

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE REGULAR AND EXECUTIVE SESSIONS OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
FEBRUARY 4 2016**

**EXECUTIVE SESSION**

\* **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kavanagh called the Executive Session to order at 5:30 p.m. in the Fountain Conference Room - 2nd Floor.

**AGENDA ITEM #1 - ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION:**

Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Councilmember Dennis Brown, Councilmember Nick DePorter, Councilmember Cecil Yates, Councilmember Alan Magazine, and Vice Mayor Henry Leger. Town Manager Grady E. Miller, Director of Development Services Paul Mood, Chief Building Official Jason Field, Town Attorney Andrew McGuire, Gust Rosenfield Attorney Kelly Williams and Town Clerk Bevelyn Bender were also present.

**PURSUANT TO : (1) A.R.S. § 38-431.03(A)(3), DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY, AND (2) A.R.S. § 38-431.03(A)(4), DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION (SPECIFICALLY, THE MORNINGSTAR PROJECT).**

Councilmember Brown **MOVED** to go into Executive Session at 5:30 p.m. and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (6-0), by those present.

Councilmember Hansen arrived at 5:35 p.m.

**AGENDA ITEM #2 - ADJOURNMENT.**

The Executive Session adjourned without objection at 6:30 p.m.

**REGULAR SESSION**

\* **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kavanagh called the meeting to order at 6:39 p.m.

\* **INVOCATION** - Mayor Kavanagh announced that today with them is Reverend Dr. Cathy Northrup, of the Community Church of the Verdes.

\* **ROLL CALL** - Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Councilmember Nick DePorter, Councilmember Cecil Yates, Councilmember Alan Magazine, and Councilmember Dennis Brown. Town Manager Grady E. Miller, Town Attorney Andrew McGuire and Town Clerk Bevelyn Bender were also present.

Vice-Mayor Henry Leger attended via telephone conference call and Councilmember Cassie Hansen was absent.

\* **MAYOR'S REPORT**

None.

\* **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**

**i) Mayor Kavanagh may review recent events attended relating to Economic Development**

Mayor Kavanagh reported that at MAG's Economic Development meeting information was provided and a discussion took place regarding foreign direct investment strategies for Arizona. Mayor Kavanagh stated that the biggest existing foreign investors were Germany, Canada, England, Japan and France. Mayor Kavanagh noted that it was also pointed out that the positives for encouraging more investors were the beneficiaries such as the Arizona Tourism, ASU Community Colleges, Honorary Counsel, and Sister Cities Connections. She added that an update on the Maricopa Trail System was also presented, which is one of the largest park systems in the nation with more than 120,000 acres of open space that included hundreds of miles of trails, camp grounds and open nature centers including an environmental center located at Lake Pleasant. She explained that the Maricopa trail was an unfinished 312 mile long trail located in Maricopa County that connected the major regional and municipal parks in and around the Phoenix Metropolitan area. She added that over the next few years the goal was to finish the trail, which will be open to hiking, horseback riding and mountain biking.

**ii) RECOGNITION of Park Supervisor Don Clark who is retiring after more than twenty years of service to the Town.**

Town Manager Grady Miller and Community Services Director Mark Mayer acknowledged Mr. Clark's achievements during his time working for the Town. Councilmembers Brown, Yates, DePorter, and Magazine spoke of their gratitude and appreciation for Mr. Clark's service. Mr. Clark made a brief statement and expressed his appreciation for all the kind words. Mayor Kavanagh read a statement from Honorary Consul to El Salvador Enrique Melendez expressing his gratitude for his service. Mayor Kavanagh and Town Manager Miller presented Mr. Clark with a plaque representing the Town's appreciation.

**iii) QUARTERLY BUDGET REPORT by Finance Director Craig Rudolph for the fiscal quarter ending December 31, 2015.**

Mr. Rudolph gave a quarter budget report on the fiscal quarter ending December 31, 2015 and referenced a PowerPoint Presentation (available on-line and in the office of the Town Clerk). Mr. Rudolph answered questions from the Councilmembers.

**CALL TO THE PUBLIC**

Pursuant to A.R.S. §38-431-01(H), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Councilmembers may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Council agenda.

Jerry Butler Fountain Hills resident, representing VISION Fountain Hills explained the 5 minute online survey and its purpose. Mr. Butler also showed a video that was available that would assist in its promotion.

John Craft Fountain Hills resident, representing VISION Fountain Hills – discussed the May 7<sup>th</sup> work session and stated that this was the beginning of the promotion.

Dana Saar Fountain Hills resident and Chair of the Strategic Planning Advisory Commission (SPAC) stated they had been working on this for 6-8 months and was Phase 2 of 3 steps. He explained that Phase 3 was they get there. He said their goal was to have 120 citizens participate and that they hoped to provide the new strategic plan sometime in the fall. Mayor Kavanagh questioned what happened on May 7. Mr. Saar explained the process that would be followed that day and its objective, which was to find out where the public was willing to spend their tax dollars and their priorities. Mayor Kavanagh expressed that it was a great team and they would get the word out. Dana Saar – broadest definition.....Town Councilmember Magazine thanked and congratulated the

committee for their important undertaking in a number of years.

### CONSENT AGENDA

AGENDA ITEM #1 - CONSIDERATION OF APPROVING MEETING MINUTES FROM JANUARY 21, 2016.

AGENDA ITEM #2 - CONSIDERATION OF APPROVING A TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE APPLICATION FOR EURO PIZZA (MERITA KRAYA) LOCATED AT 12645 N. SAGUARO BOULEVARD, FOUNTAIN HILL, AZ IN CONJUNCTION WITH THE MEMORIAL CHAMPIONSHIP DISC GOLF TOURNAMENT, FROM 10:00 AM TO 7:00 PM ON SATURDAY, MARCH 5, 2016.

AGENDA ITEM #3 - CONSIDERATION OF APPROVING A TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE APPLICATION FOR EURO PIZZA (MERITA KRAYA) LOCATED AT 12645 N. SAGUARO BOULEVARD, FOUNTAIN HILL, AZ IN CONJUNCTION WITH MOUNTAIN TO FOUNTAIN 15K, FROM 7:00 PM TO 12:00 PM ON SUNDAY, MARCH 6, 2016.

AGENDA ITEM #4 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE KIWANIS CLUB OF SUNSET FOUNTAIN HILLS (MARGARET ZIEFERT) FOR THE PROMOTION OF A FUND RAISER TO BE HELD ALONG THE AVENUE OF THE FOUNTAINS, IN CONJUNCTION WITH THE FOUNTAIN HILLS ART AND WINE AFFAIRE, FROM 10:00 AM TO 5:00 PM DAILY, FROM FRIDAY, MARCH 11, THROUGH SUNDAY, MARCH 13, 2016.

AGENDA ITEM #5 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE VETERANS OF FOREIGN WARS POST #7507 (CARL KRAWCZYK) FOR THE PROMOTION OF A FUND RAISER TO BE HELD AT TWO LOCATIONS: (1) AT VERDE RIVER DRIVE AND (2) ON SAGUARO BOULEVARD, BETWEEN PAUL NORDIN PARKWAY AND AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ, IN CONJUNCTION WITH THE FOUNTAIN HILLS GREAT FAIR, FROM 9:00 AM TO 10:00 PM DAILY, FRIDAY, FEBRUARY 26, AND SATURDAY, FEBRUARY 27, AND 10:00 AM TO 10:00 PM SUNDAY, FEBRUARY 28, 2016.

AGENDA ITEM #6 – CONSIDERATION OF APPROVING A FAIR/FESTIVAL LIQUOR LICENSE APPLICATION FOR DESERT DIAMOND DISTILLERY (JOHN PATT) TO BE LOCATED ALONG THE AVENUE OF THE FOUNTAINS, IN CONJUNCTION WITH THE FOUNTAIN HILLS FINE ART AND WINE AFFAIR, FROM 10:00 AM TO 5:00 PM DAILY, FROM FRIDAY, MARCH 11, THROUGH SUNDAY, MARCH 13, 2016.

AGENDA ITEM #7 – CONSIDERATION OF APPROVING A FAIR/FESTIVAL LIQUOR LICENSE APPLICATION FOR JAVELINA LEAP ESTATE VINEYARDS (RODNEY SNAPP) TO BE LOCATED ALONG THE AVENUE OF THE FOUNTAINS IN CONJUNCTION WITH THE FOUNTAIN HILLS FINE ART AND WINE AFFAIR, FROM 10:00 AM TO 5:00 PM DAILY, FROM FRIDAY, MARCH 11, THROUGH SUNDAY, MARCH 13, 2016.

AGENDA ITEM #8 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE AMERICAN LEGION POST 58 (ROBERT PUTNAM) FOR THE PROMOTION OF A FUND RAISER TO BE HELD AT THE AMERICAN LEGION POST, LOCATED AT 16837 PARKVIEW DRIVE, FOUNTAIN HILLS, AZ FROM 10:00 AM TO 10:00 PM DAILY, FROM FRIDAY, FEBRUARY 26, TO SUNDAY, FEBRUARY 28, 2016.

AGENDA ITEM #9 – CONSIDERATION OF APPROVING A FAIR/FESTIVAL LIQUOR LICENSE APPLICATION FOR GRAND CANYON WINERY, INC (CHARLES MARTINET) TO BE LOCATED ALONG THE AVENUE OF THE FOUNTAINS, IN CONJUNCTION WITH FOUNTAIN HILLS FINE ART AND WINE AFFAIR, FROM 10:00 AM TO 5:00 PM DAILY, FROM FRIDAY, MARCH 11, THROUGH SUNDAY, MARCH 13, 2016.

**AGENDA ITEM #10 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE FOUNTAIN HILLS COMMUNITY THEATER (VAL STASIK) FUNDRAISING DINNER AND ENTERTAINMENT TO BE HELD IN THE GRAND BALLROOM OF THE FOUNTAIN HILLS COMMUNITY CENTER, 13001 N. LA MONTANA DRIVE, FOUNTAIN HILLS, AZ FROM 5:30 PM TO 10:00 PM ON SUNDAY, MARCH 6, 2016.**

**AGENDA ITEM #11 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE FOUNTAIN HILLS ELKS #2846 (WILLIAM PAGEAU) FOR THE PROMOTION OF A FUND RAISER TO BE HELD AT FOUNTAIN PARK, LOCATED AT 12925 SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, IN CONJUNCTION WITH THE ST PATRICK’S DAY CELEBRATION, FROM 11:00 AM TO 4:00 PM ON THURSDAY, MARCH 17, 2016.**

**AGENDA ITEM #12 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE FOUNTAIN HILLS ELKS #2846 (WILLIAM PAGEAU) FOR THE PROMOTION OF A FUNDRAISER TO BE HELD AT FOUNTAIN PARK, LOCATED AT 12925 SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ IN CONJUNCTION WITH THE LOVE IN THE HILLS EVENT, FROM 11:00 AM TO 7:00 PM ON SUNDAY, FEBRUARY 14, 2016.**

**AGENDA ITEM #13 – CONSIDERATION OF APPROVING A \$5,000.00 BUDGET TRANSFER FROM THE TOWN MANAGER’S CONTINGENCY FUND TO FOUR PEAKS ADMIN FUND FOR A PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR THE FOUR PEAKS PARK “BUS BARN”.**

Councilmember Yates **MOVED** to approve the Consent Agenda as listed and Councilmember DePorter **SECONDED** the motion.

A roll call vote was taken with the following results:

Mayor Linda Kavanagh	Aye
Councilmember Brown	Aye
Councilmember Nick DePorter	Aye
Councilmember Cecil Yates	Aye
Councilmember Cassie Hansen	Absent
Councilmember Alan Magazine	Aye
Vice Mayor Henry Leger	Absent (left the teleconference call connection at 7:15p.m.)

The motion **CARRIED UNANIMOUSLY** (5-0, by those present).

#### **REGULAR AGENDA**

**AGENDA ITEM #14 - CONSIDERATION OF A SPECIAL EVENT APPLICATION FOR THE CRAFT CLASSIC ½ MARATHON AND 5K EVENT, PRESENTED BY (TEMPE LIGETT) ROAD RUNNER SPORTS, TO BE HELD IN FOUNTAIN HILLS ON SUNDAY, OCTOBER 16, 2016. THE EVENT WILL FEATURE TWO ROAD RACES AND A POST-RACE CONCERT AND FESTIVAL AREA. THE EVENT WILL RUN FROM 5:00 AM TO 12:00 PM, WITH ROAD CLOSURES IN EFFECT FROM APPROXIMATELY 3:00 AM ON SATURDAY, OCTOBER 15, 2016, AND REOPENING BY 3:00 PM ON SUNDAY, OCTOBER 16, 2016.**

Rachael Goodwin displayed a PowerPoint presentation (available on-line and in the Town Clerk’s office) depicting the logo and routes involved and explained the co-sponsored event for the Council to consider. Ms. Goodwin also pointed out the different activities that would be included in their request. She informed the Council that there would be participants that would be attracted to stay overnight. Tempe Ligett was unable to attend this evenings meeting but local race director Chris Giles was present and was familiar with Fountain Hills since he worked with staff on the Turkey Trot. Mr. Giles would be available to help answer any questions.

Mayor Kavanagh asked where the post race concert would be held. Ms. Goodwin answered that the intention was to hold everything on the avenue because the parks would be over seeded at that time. She pointed out that the closers

would be similar to the Great Fair. Mayor Kavanagh questioned the exact location the concert would be held. Ms. Goodwin told Council she did not have the map that showed the exact location, but believed it would be held near the intersection since that was the largest area and most likely located on the north side with possible adjustments. She pointed out that the south side would hold the festival and the beer garden area.

Councilmember DePorter expressed his approval for this event and asked if the concert and beer garden would be open to the public. Ms. Goodwin answered that she believed it was not only for the runners. Councilmember DePorter also asked if the social media would be open to report and Ms. Goodwin replied absolutely. Councilmember DePorter noticed that a lot of Phoenix was recognized in this event and he wanted to know if there would be an opportunity for Fountain Hills to be pushed and recognized as much as possible. Ms. Goodwin expressed that she would like that to happen and with some communication with the co-sponsorship, she should be able to fulfill that request.

Councilmember Brown asked how businesses could take part in sponsoring part of the race. Mr. Giles responded they could contact the City of Tempe through their web site and they would be directed to the appropriate person or contact him.

Mayor Kavanagh asked if Ms. Goodwin could link the information on our web site. Ms. Goodwin explained that she would absolutely make sure it was included since our web site continuously advertises events and activities.

Councilmember Brown **MOVED** to approve the special event application for the Craft Classic by Tempe Ligett, Road Runner Sports and Councilmember Magazine **SECONDED** the motion. The motion **CARRIED UNANIMOUSLY** (5-0, by those present).

**AGENDA ITEM #15 – CONSIDERATION OF APPOINTING TWO (2) CITIZENS TO SERVE ON THE BOARD OF ADJUSTMENT FOR TWO-YEAR TERMS BEGINNING ON FEBRUARY 1, 2016 UNTIL JANUARY 31, 2018.**

Mayor Kavanagh recognized both applicants and their service to the Town.

Mayor Kavanagh **MOVED** to appoint Paul Ryan and Carol Perica to serve on the Town of Fountain Hills Board of Adjustment for two-year terms beginning February 1, 2016 thru January 31, 2018. Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** by those present (5-0).

**AGENDA ITEM #16 – DISCUSSION WITH POSSIBLE DIRECTION TO STAFF REGARDING VARIOUS PROPOSED CODE CHANGES.**

Town Manager Miller explained that items listed on the table that was given to the Council for their use was discussed at the November 10, 2015, workshop. He pointed out that he understood Council wanted all proposed codes changes reviewed. Mr. Miller suggested that due to the amount of staff time involved, he was requesting that Council recommend their top 6 or 8 items as priorities and if possible to prioritize the complete list. Mr. Miller stated that Council could wait for a future meeting to rank the codes. Mr. Miller gave the Council a deadline as requested by Councilman Yates of two weeks from Friday. He also mentioned that staff would email to Council instructions on how to complete the table.

Councilmember Yates asked that due to the lack of time when this was previously discussed, if Councilmembers have additional items to be reviewed could they be brought forward. Mr. Miller answered that if there were additional requests to send the items to him and he would forward to the other Councilmembers. Mr. Miller requested that Council prioritize the current list and staff would come back with a metric for the Council. Mr. Miller added that at that meeting would be the appropriate time to bring up any other items. Councilmember Yates suggested that adding language to explain the reason for the request could possibly be helpful.

**AGENDA ITEM #17 – DISCUSSION WITH POSSIBLE DIRECTION TO STAFF RELATING TO ANY ITEM INCLUDED IN THE LEAGUE OF ARIZONA CITIES AND TOWNS WEEKLY LEGISLATIVE BULLETIN OR RELATING TO ANY ACTION PROPOSED OR PENDING BEFORE THE STATE LEGISLATURE.**

- (i) None.

**AGENDA ITEM #18 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER**

Items listed below are related only to the property or (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council.

- (i) None.

**AGENDA ITEM #19 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.**

Councilmember Yates mentioned that it was his and the Mayor's honor to attend the Fountain Hills Unified District Mentor Breakfast last week recognizing and thanking all the residents that take their time to mentor our students from elementary to high school.

Councilmember DePorter stated he had been working with the Arizona Technology Council who partners with communities and non-profits, and governmental agencies to introduce science and activities into the communities. He added that the group had previously held meetings with Mark Mayer, Rachael Goodwin and the school district as well as the Chamber. Councilmember DePorter informed them that on Saturday of the Great Fair, Dr. Sweenie would be holding a mini art and science fair to be located on Saguaro Boulevard. He also mentioned that a publication would go out all over Arizona. He wanted to thank the school district and Chamber for holding this fair.

Mayor Kavanagh reported that she and Senator Kavanagh attended the Jan Karski exhibit at the Jewish Cultural Center in Phoenix where the Senator was one of the guest speakers. She noted that also present were the Town's honorary consuls, Consul of Poland Bogumil Horchem and Consul of El Salvador Enrique Melendez, who helped to bring the exhibit to Phoenix. She said that Jan Karski was a World War II Polish resistant fighter who risked his life to ring firsthand reports of the holocaust to the allies, which helped the Jewish people by spreading the word of the atrocities of the Holocaust. In his speech Senator Kavanagh challenged everyone to bring a young person to the exhibit because "you can't remember what you didn't know happened".

**AGENDA ITEM #20 - ADJOURNMENT**

Councilmember Yates **MOVED** to adjourn the meeting and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (5-0), by those present. The Regular Session adjourned at 7:43 p.m.

**TOWN OF FOUNTAIN HILLS**

By \_\_\_\_\_  
Linda M. Kavanagh, Mayor

ATTEST AND  
PREPARED BY:

\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Executive Session, held in the Fountain Conference Room - 2nd Floor and Regular Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers on the 4<sup>th</sup> day of February, 2016. I further certify that the meeting was duly called and that a quorum was present.

DATED this 18<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk